

# CURIO OR RELIC FIREARMS & CALIFORNIA LAW

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## What Is A Curio Or Relic Firearm?

Federal Curio or Relic status may be granted to a specific firearm or group of firearms which meets at least one of these requirements published in Title 27 Code of Federal Regulations section 478.11:

### Curios Or Relics.

Firearms which are of special interest to collectors by reason of some quality other than is associated with firearms intended for sporting use or as offensive or defensive weapons. To be recognized as curios or relics, firearms must fall within one of the following categories:

Firearms which were manufactured at least 50 years prior to the current date, but not including replicas thereof;

Firearms which are certified by the curator of a municipal, State or Federal museum which exhibits firearms to be curios or relics of museum interest; and;

Any other firearms which derive a substantial part of their monetary value from the fact that they are novel, rare, bizarre, or because of their association with some historical figure, period or event. Proof of qualification of a particular firearm under this category may be established by evidence of present market value and evidence that like firearms are not available except as collector's items, or that the value of like firearms available in ordinary commercial channels is substantially less.

Curio or Relic rulings may be obtained following an application to the Firearms Technology Branch, Bureau of Alcohol, Tobacco, Firearms and Explosives, United States Department of Justice [BATFE]. If a Curio or Relic ruling has been granted, the specific firearm or group of firearms will

eventually be listed on the BATFE website [www.atf.treas.gov/firearms/curios/](http://www.atf.treas.gov/firearms/curios/). Be sure to check both the cumulative list and all the updates available online. Later, perhaps years later, the updated list of Curio or Relic firearms may be printed and mailed to all Federal Firearms Licensees in a booklet, "Firearms Curios or Relics List", ATF P 5300.11

Federal Curio or Relic status applies to firearms in original condition, but not to actions or receivers only, and probably not to altered firearms.

### **Status Of Curio Or Relic Firearms In California**

Due to stricter state regulation, many very popular Curio or Relic firearms may not be freely sold or possessed in California. For example, original U.S. military M1A1 carbines made in 1945 or earlier are Assault Weapons in California because they are semiautomatic centerfire rifles with a detachable magazine and a prominent protruding pistol grip, and also because they have a folding stock.

To California arms collectors the primary benefit of Curio or Relic status is that state law presently allows direct transfers of Curio or Relic LONG ARMS ONLY between private parties not prohibited from owning firearms, provided the firearm is a Curio or Relic firearm AT LEAST 50 YEARS OLD.

CAUTION: Figure out how you can PROVE IN COURT the age of the firearm involved BEFORE you choose to participate in a transfer of a Curio or Relic long arm with another private party.

FURTHER CAUTION: California law requires ALL firearms transfers at gun shows to go through a licensed dealer.

Many California dealers buy and sell Curio or Relic firearms, but transfers of these arms by dealers are usually subject to the same formalities and waiting period as modern firearms.

### **Federally-Licensed Collectors of Curio or Relic Firearms**

Federal law permits the BATFE to issue a special Federal Firearms License type 03, Collector Of Curios Or Relics, to qualified people who desire to buy firearms from another state to enhance their personal collection. Such a license, hereafter for convenience termed "Collector

FFL" may be used to obtain ONLY Curio or Relic firearms. The Federally licensed collector is obligated to maintain timely records of acquisition and disposition of all Curio or Relic firearms, the same as a Federally licensed firearms dealer.

A California Collector FFL may only import listed Curio or Relic handguns. If a California Collector FFL acquires a handgun that is a Curio or Relic from out of state, within five days the collector must report the acquisition of the handgun using the required California Department of Justice report form. A registration fee must also be submitted with the report.

California law does not appear to authorize a Californian holding a Collector FFL to purchase a pistol or revolver from a private party in California. The acquisition should be conducted as a private party transfer through a California dealer.

Collectors FFLs may not be used to purchase firearms for resale. A holder of a Collector FFL may make infrequent trades or sales of Curio or Relic firearms to enhance their collection.

If a California resident has a Collector FFL, the license should not be recognized by firearms dealers unless the collector also has a current Firearms Certificate of Eligibility [COE] issued by the California Department of Justice.

If a Californian has both a Collector FFL and a COE, dealers as well as the collector benefit since purchases of Curio or Relic handguns and long guns are not subject to the inconvenience of the ten-day waiting period. However, the Dealers Record of Sale [DROS] process and fees still apply.

The California collector with a Collector FFL and a COE is also exempt from the usual limitation of one handgun purchase every 30 days, even if the purchases are not Curio or Relic handguns.

The legal status of Curio or Relic firearms is easily misunderstood by California collectors, FFLs, and even by law enforcement. If in doubt, the easiest way to avoid unpleasant legal consequences is to treat Curio or Relic firearms the same as any other modern guns and make all transfers through a California licensed dealer.

Eric H. Archer, Of Counsel to the Law Offices of Bruce Colodny in selected firearms matters since 1993, contributed to this article. Mr. Archer has been a Federally-licensed collector of Curio or Relic firearms, and was licensed as a firearms dealer in New York, Delaware and California.

***DISCLAIMER: This article offers only a basic outline of law and regulation at the time of publication. The law may be changed at any time by court decisions or by new legislation. For advice concerning a specific situation you should contact a qualified California attorney.***